



WHEREAS, on June 20, 2018, the Court consolidated the Morris Action and the Mahabadi Action into the above-captioned action (the “Action”) and, pursuant to the lead plaintiff selection process mandated by the Private Securities Litigation Reform Act of 1995 (“PSLRA”), entered an order appointing Mr. Webb to be Lead Plaintiff in the Action and approving his selection of counsel (Dkt. No. 60);

WHEREAS, on June 27, 2018, this Court ordered that (i) Plaintiff file any Amended Complaint on or before August 7, 2018; (ii) Defendants respond to any Amended Complaint filed by Plaintiff on or before September 21, 2018; and (iii) Plaintiff file his opposition to any responsive motion on or before November 5, 2018 (Dkt. No. 63);

WHEREAS, Plaintiff has yet to file any Amended Complaint in the Action, and Defendants have neither answered the complaint nor moved for summary judgment;

WHEREAS, under Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff is entitled to dismiss the Action by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment . . .”;

WHEREAS, no class has been certified and no motion for class certification has been filed, and the voluntary dismissal of Plaintiff’s claim against Defendants will not bind absent class members;

THEREFORE, Plaintiff, through his undersigned counsel, hereby dismisses the Action without prejudice, with all parties to bear their own costs and fees.

Dated: August 7, 2018.

**PETERS | SCOFIELD**  
*A Professional Corporation*

/s/ David W. Scofield  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of August, 2018, a true and correct copy of Plaintiff's **NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(A)** was electronically filed using the Court's ECF system, which sent notice to all counsel of record.

/s/ David W. Scofield  
David W. Scofield